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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/393,405 09/10/99 HOWARD

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TM02/1219  
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EXAMINER

ELISCA.P

ART UNIT

PAPER NUMBER

2161

DATE MAILED:

12/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/393,405

Applicant(s)

Howard, Christopher J.

Examiner  
Pierre Eddy Elisca

Group Art Unit  
2161



☒ Responsive to communication(s) filed on Dec 6, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-19 and 24-83 is/are pending in the application.

Of the above, claim(s) 20-23 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-19 and 24-83 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2161



**Examiner Pierre Eddy Elisca**

**United States Department of Commerce**

**Patent and Trademark Office**

**Washington, D. C. 20231**

### **DETAILED ACTION**

1. This office action is in response to application serial number 09/393,405, filed on 09/10/1999.

2. Claims 1-19 and 24-83 are presented for examination and claims 20-23 are canceled.

### **RESTRICTION**

3. Restriction to one of the following inventions is required under 35 U.S.C. 121.

Group I, claims 1-19 and 24-83 drawn to a system/method for protecting content distributed through a network, classified in 713, subclass 201 or network security. Group II, claims 20-23, drawn to selling a server security program for licensing or subscribing to users wishing to access the content, classified in class 705, subclass 59 and classified in class 348, subclass 7 and 10 .

The invention are distinct, each from the other because of the following reasons:

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Group I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP 806.05 (c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the system of group I does not claim the loading and registering a software program in a cluster network database as recited in group II. The subcombination has separate utility such as primary loading module and preregistering module which determines if program was previously registered.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Based on the telephone conversion with the Applicant's representative on December 07, 2000 Ms. Sheryl Sue Holloway Reg. No. 37,850, Examiner suggested that there exists two different groups (group I and group II) of invention wherein two way restriction would be required. As a result, Applicant's representative has elected **group I** which are claims 1-19 and 24-83 and claims 20-23 has been canceled by the Applicant's representative in order to avoid restriction, and it is deemed to place claims 1-19 and 24-83 of **group I** in condition for examination.

*Claim Rejections - 35 USC § 101*

4. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The disclosed invention is inoperative and therefore lacks utility. Claim 1 is inoperative because there is no functionality in the claim and Applicant fails to disclose if claim 1 is a method or process or a system or an article of manufacture.

For Examining purposes Examiner considers claim 1 as a system's claimed.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

6. Claim 1-19, 24-83 are rejected under 35 U.S.C. 102 (e) as being patentable by Dykes et al. (U.S. Pat. No. 5,872,915).

**As per claim 1, Dykes** discloses an ephemeral output only browser (or BROWSER) see., abstract, col 4, lines 33-55.

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**As per claims 2, 6-8, 10-19, 24-36, 40, 44-68, 71-83 Dykes** discloses a computer system/method for providing security checking for software applications accessed via the WWW (which is equivalent to Applicant's claimed invention wherein said a system for protecting content distributed through a network), comprising:

a client computer operable for connecting to the network and for executing a client program that limits user control over the content distributed through the network (see., abstract, lines 1-10, col 3, lines 22-58, fig 2-4); and

a server computer operable for connecting to the network and for executing a security program for securing the content distributed through the network (see., abstract, fig 2-4, col 4, lines 33-67, col 5, lines 1-62, col 9, lines 7-65).

**As per claims 3, 5, 9, 69, 70 Dykes** discloses the claimed limitation, wherein said the client program is an ephemeral output only web browser (ephemeral output only web browser or NETSCAPE) see., col 4, lines 47-57).

**As per claim 4, Dykes** discloses the claimed limitation, wherein the client program is an add-in security module for executing as part of a standard web browser and wherein user control over reproduction of the content, in at least one form is limited (see., abstract, 3-13, fig 4, elements 220 and 330).

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**As per claims 37-39, 41, Dykes** discloses the claimed method, wherein the content comprises user perceivable information in a hyper-text markup language (HTML) format (see., col 5, lines 10-27, col 8, lines 16-29).

**As per claim 42, Dykes** discloses the claimed method wherein the content comprises user perceivable information in a common gateway interface (CGI) language format see., fig 4, element 420).

**As per claim 43, Dykes** discloses the claimed method wherein the content comprises user perceivable information in a JAVA language format ( see., col 8, lines 16-29).

### ***Conclusion***

7. The prior art made of record and relied upon is considered to applicant's disclosure.
8. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. Starting on 10/22/2000 I will be in my office on **Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.**

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

**Any response to this action should be mailed to:**

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**or faxed to:**

(703) 308-9051, (for formal communications intended for entry )

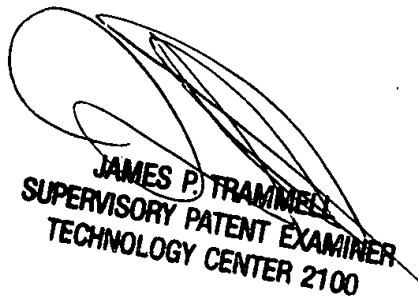
**OR:**

(703) 305-3718 ( for informal or draft communications, pleased label

“PROPOSED” or” DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.,

Sixth floor (receptionist ).

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
Pierre Eddy Elisca

Patent Examiner

December 08, 2000